

**REGULAR MEETING OF THE CITY COUNCIL, HOUSING AUTHORITY,
AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY**

APRIL 18, 2017

CALL TO ORDER

The Closed Session meeting was called to order by the Mayor at 4:01 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

ROLL CALL

Present: Council Member Mansoor (arrived at 4:05 p.m.), Council Member Righeimer (arrived at 4:05 p.m.), Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

PUBLIC COMMENTS ON CLOSED SESSION ITEMS - NONE

The City Council recessed to Conference Room 5A at 4:05 p.m. for Closed Session to consider the following items:

1. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Fire Management Association (CMFMA)

2. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Subdivision (a) of Section 54957.6, California Government Code
Agency Designated Representative: Tamara Letourneau, Assistant City Manager
Name of Employee Organization: Costa Mesa Firefighters Association (CMFA).

3. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: David William Palmblade and Judith Darlene Palmblade v. City of Costa Mesa, Orange County Superior Court Case No. 30-2016-00841782-CU-BC-CJC.

4. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Subdivision (d)(1) of Section 54956.9, California Government Code
Name of Case: Timothy Dadey, et al. v. City of Costa Mesa, Orange County Superior Court, Case No. 30-2014-00757962-CU-CR-CJC.

The City Council reconvened at 6:04 p.m.

CALL TO ORDER (00:00:10)

The meeting was called to order by the Mayor at 6:04 p.m. in the Council Chambers at Costa Mesa City Hall, 77 Fair Drive, Costa Mesa, California.

PLEDGE OF ALLEGIANCE (00:00:28) Council Member Righeimer

MOMENT OF SOLEMN EXPRESSION (00:00:46)

Pastor Jim Turrell, The Center for Spiritual Living Newport Mesa

ROLL CALL (00:01:28)

Present: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, Mayor Foley.

Absent: None

Officials Present: City Manager Tom Hatch, Deputy City Attorney Tarquin Preziosi, Assistant City Manager Richard Francis, Assistant City Manager Tamara Letourneau, Development Services Department Consultant Jay Trevino, Public Services Director Raja Sethuraman, and City Clerk Brenda Green.

CITY ATTORNEY CLOSED SESSION REPORT (00:01:40) - NONE

COIN: Ex Parte Communications pursuant to Municipal Code Section 2-238 (b) –

Council Member Stephens stated he spoke with Mark Martinez, from the Firefighters Association, about process. (00:01:58)

Mayor Foley stated she spoke with the bargaining unit about priorities. (00:02:26)

ANNOUNCEMENTS (00:02:48)

"Costa Mesa Minute" was played featuring upcoming events and activities in the community.

PUBLIC COMMENTS – MATTER NOT LISTED ON THE AGENDA (00:05:43)

Barrie Fisher, Costa Mesa, thanked Mr. Hatch for the cleanup of the Veterans Memorial bricks. (00:06:08)

Flo Martin, Costa Mesa, spoke on Green Coast Day on April 19, 2017 at Orange Coast College. (00:07:36)

Dorothy McNiff, Costa Mesa, spoke on parking at 411 E. 17th Street. (00:09:16)

Chairman Nick Berardino and CEO Kathy Kramer, of the Orange County Fair, presented the City Council with Commemorative Coins for the opening of the Heroes Hall. (00:11:07)

Tamar Goldmann, Costa Mesa, spoke on parking standards. (00:14:07)

Frank Larson, Costa Mesa, spoke on urban coyotes tracking system. (00:16:08)

Ken Martin, Costa Mesa, spoke on labor negotiations; sober living homes issues; and support of Costa Mesa United. (00:17:49)

Wendy Leece, Costa Mesa, spoke on the Costa Mesa Community Run on April 22, 2017; supports permanent fencing around the Fairview Park vernal pools; and removal of overlays and the Small Lot Ordinance. (00:19:47)

Speaker, spoke on the agenda; and transparency. (00:22:07)

Cindy Black, Costa Mesa, spoke on group home properties at 686 Park Drive, 685 18th Street, 679 18th Street, and 1798 Pomona Avenue. (00:25:20)

Cindy Brenneman, Costa Mesa, spoke on the Planning Commissioner appointments. (00:28:53)

Robin Leffler, Costa Mesa, spoke on Costa Mesa United funding; and revisiting the Newport Harbor overlay and Small Lot Ordinance. (00:31:28)

Speaker, spoke on transparency and security at Costa Mesa City Hall. (00:34:09)

COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (00:37:19)

Council Member Righheimer spoke on ex-parte communications with the bargaining units. (00:37:24)

Council Member Mansoor spoke in opposition to the state tax increases; spoke on coyote issues; the agenda; Veterans Memorial bricks; and thanked Mr. Hatch. (00:39:13)

Mayor Foley spoke on addressing various issues; and reported on the trip to Haven for Hope in San Antonio, TX. (00:42:37)

Mayor Pro Tem Genis spoke on Vector Control aerial drops; coyote issues; and Roberts Rules of Order. (00:46:16)

Council Member Stephens spoke on the homeless meeting; reported on the trip to Haven for Hope in San Antonio, TX; and ex-parte communications. (00:49:24)

CONSENT CALENDAR (00:52:16)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Genis

MOTION: Approve recommended actions for Consent Calendar item nos. 1 through 10 except for **2, 5, 7, and 10.**

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

1. READING FOLDER

Claims received by the City Clerk: Tim Macy, Kirk Owens, and Rae Payne.

ACTION:

City Council received and filed.

3. MINUTES OF THE SPECIAL AND REGULAR CITY COUNCIL, HOUSING AUTHORITY, AND SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY MEETINGS

ACTION:

City Council approved the minutes of January 24, 2017, January 31, 2017 and February 7, 2017.

4. APPROVE RESOLUTION FOR THE APPLICATION OF GRANT FUNDS FOR THE ENVIRONMENTAL CLEANUP, TIER 1 GRANT PROGRAM UNDER ORANGE COUNTY LOCAL TRANSPORTATION ORDINANCE NO. 3 FOR THE TIER 1 WATER QUALITY BMP INSTALLATION PROJECT

ACTION:

1. City Council approved Resolution No. 17-31 for the submittal of a grant application to the Orange County Transportation Authority (OCTA) for the City's Tier 1 Water Quality BMP Installation Project; and
2. Authorized the Public Services Director as the City's representative.

6. PURCHASE EMERGENCY GENERATOR UNITS FOR THE FOLLOWING FACILITIES: POLICE DEPARTMENT, FIRE STATION NO. 4 AND CORPORATION YARD

ACTION:

City Council approved the purchase request in the amount of \$501,868.09 for the purchase of three (3) emergency generators to be installed at the Police Department facility, Fire Station No. 4 and the Corporation Yard from Quinn Powers Systems, 801 Del Norte Boulevard, Oxnard, CA, 93030.

8. REQUEST TO CANCEL THE REGULAR CITY COUNCIL MEETING OF JULY 4, 2017

ACTION:

City Council approved the cancellation of the regularly scheduled meeting to be held on July 4, 2017.

9. FIRE STATION ALERTING SYSTEM REPLACEMENT

ACTION:

City Council approved and authorized the City Manager to execute the Purchase Request for the replacement of the current, non-functioning, Fire Department Alerting System with WESTNET First-In Alerting Systems, 15542 Chemical Lane, Huntington Beach CA, 92649. The total net purchase cost, including taxes shall be \$369,497.78.

ITEMS REMOVED FROM THE CONSENT CALENDAR:

2. WARRANT RESOLUTION NO. 2575 OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ALLOWING CERTAIN CLAIMS AND DEMANDS, INCLUDING PAYROLL REGISTER NOS. 17-06 "A" FOR \$0.00 AND 17-07 FOR \$2,263,423.58; AND CITY OPERATING EXPENSES FOR \$1,374,215.53; AND SPECIFYING THE FUNDS OUT OF WHICH THE SAME ARE TO BE PAID (00:53:00)

Public Comments:

Speaker, spoke on the I.T. contract. (00:53:09)

MOVED/SECOND: Council Member Mansoor/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved Warrant Resolution No. 2575.

5. REQUEST FOR SALE, SERVICE AND CONSUMPTION OF BEER, WINE AND LIQUOR BEVERAGES AT SENIOR CENTER, 695 W. 19th STREET, COSTA MESA (00:55:25)

Public Comments:

Beth Refakes, Costa Mesa, spoke on the Freedom Committee meetings at the Downtown Recreation Center. (00:56:15)

Cindy Brenneman, Costa Mesa, spoke on the Freedom Committee meetings; and spoke in opposition to the item. (00:59:16)

Speaker, spoke in opposition to the item. (01:01:45)

Vida Velez, Costa Mesa, spoke on the issue. (01:03:27)

Public Comments Closed.

Justin Martin, Recreation Manager, spoke on the issue. (01:04:11)

MOVED/SECOND: Mayor Pro Tem Genis/Council Member Righeimer

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved the request for the sale, service, and consumption of beer, wine and liquor beverages at the Costa Mesa Senior Center for the duration of time in which the Neighborhood Community Center (NCC) is closed during the Lions Park Projects.

7. RECORDS RETENTION POLICY AND SCHEDULE (01:09:42)

Public Comments:

Speaker, spoke on public records requests and keeping records. (01:09:51)

Public Comments Closed.

Brenda Green, City Clerk, spoke on the item. (01:11:40)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council adopted Resolution No. 17-32, approving the updated records retention schedule.

10. FIRST AMENDMENT TO LEASE AGREEMENT WITH STC ONE LLC (01:14:56)

Council Member Righeimer recused himself and stepped down from the dais and left the Council Chambers due to a potential conflict of interest of dealing with cell towers. (01:15:05)

MOVED/SECOND: Mayor Pro Tem Genis/Council Member Stephens

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Abstain: Council Member Righeimer

Motion carried: 4-0-0-1

ACTION:

City Council approved the First Amendment to the Lease Agreement with STC ONE LLC, a Delaware limited liability company, registered in California as TOWER COMPANY ONE LLC, for the cell tower located at the Costa Mesa Golf Course.

PUBLIC HEARINGS – 7:00 p.m. (Resolution No. 05-55): 01:15:41

- 1. CIVIC OPENNESS IN NEGOTIATIONS (COIN) ORDINANCE SECOND PUBLIC HEARING OF THE ADOPTION OF THE SALARY & BENEFIT RESOLUTION BETWEEN THE CITY OF COSTA MESA AND THE COSTA MESA DIVISION MANAGERS ASSOCIATION (CMDMA), SALARY & BENEFIT RESOLUTION FOR UNREPRESENTED EXECUTIVES, AND SALARY & BENEFIT RESOLUTION FOR CONFIDENTIAL EXECUTIVE EMPLOYEES AND ADOPT THE EMPLOYER PAID MEMBER CONTRIBUTION (EPMC) SAFETY EXECUTIVE RESOLUTION (01:15:52)**

Tamara Letourneau, Assistant City Manager, presented the Staff Report.
(01:16:19)

No public comments on the item.

Council Member Righeimer spoke to not supporting the item. (01:20:07)

Council Member Mansoor spoke to not supporting the item. (01:21:02)

Mayor Foley spoke to supporting the item. (01:22:02)

MOVED/SECOND: Council Member Stephens/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: Council Member Mansoor and Council Member Righeimer.

Absent: None

Motion carried: 3-2

ACTION:

1. City Council held the second public hearing as required by COIN; and
2. Adopted Resolution No. 17-25, which implements salary range increases for Unrepresented Executive employees; and
3. Adopted Resolution No. 17-26, which implements salary range increases for CMDMA represented Executive employees; and
4. Adopted Resolution No. 17-27, which implements salary range increases for Confidential Executive employees; and
5. Adopted Resolution No. 17-28, for reporting the value (0%) of Employer Paid Member Contribution (EPMC) relating to Safety Executive employees.

2. CODE AMENDMENT CO-17-02 TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING AND DEVELOPMENT), RELATING TO GROUP HOMES, RESIDENTIAL CARE FACILITIES, AND REASONABLE ACCOMMODATION; AND

CODE AMENDMENT CO-17-02 TO AMEND VARIOUS SECTION OF TITLE 9 OF THE COSTA MESA MUNICIPAL CODE REGARDING OPERATOR'S PERMITS FOR GROUP HOMES OF SEVEN OR MORE LOCATED IN THE CITY'S MULTI-FAMILY ZONES (01:22:50)

Sheri Vander Dussen, Interim Assistant Development Services Director, Community Improvement Division, presented the Staff Report. (01:23:36)

Public Hearing Opened.

Barrie Fisher, Costa Mesa, spoke in support of the Planning Commission's recommendations to keep the current Conditional Use Permit (CUP) process in place. (01:39:24)

Bradley Morriset, spoke on being disabled and evicted from a sober living home. (01:43:48)

Wendy Leece, Costa Mesa, spoke on non-enforcement of the ordinance; and the City of Newport Beach group home process. (01:49:33)

Speaker, spoke on the group homes in Costa Mesa and in opposition to a Minor CUP process. (01:52:49)

Speaker, expressed concern on the group home process and supports the current ordinance; and is opposed to a minor CUP process. (01:55:25)

Cindy Black, Costa Mesa, spoke in opposition to a minor CUP process; and supports the Planning Commission's recommendations. (01:58:20)

Robin Leffler, Costa Mesa, spoke in opposition to a minor CUP process and Special Use Permits (SUPs) without a hearing. (02:00:58)

Speaker, spoke in opposition to a minor CUP; spoke on transparency; and sober living homes. (02:03:34)

Speaker, spoke on the operators; supports the Planning Commission's recommendations; and the City of Newport Beach group home process. (02:06:49)

Ralph Taboada, Costa Mesa, spoke on transparency; and inquired on the initiation of Sober Living Homes ordinances. (02:09:52)

Speaker, spoke on the proliferation of sober living homes. (02:10:36)

Public Hearing Closed.

Mayor Foley spoke on the initiation of the item and addressing concerns. (02:13:43)

Discussion ensued on parolee regulations. (02:16:29)

Mayor Pro Tem Genis spoke on requiring operators to provide transportation to other facilities; and providing notification to residents. (02:17:26)

Council Member Righeimer spoke on enforcement, current ordinance, and initiation of the item. (02:20:13)

Discussion ensued on Special Use Permit (SUP) procedure. 02:23:20)

Mayor Foley spoke on the analysis and comparison to the City of Newport Beach ordinance. (02:33:23)

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: Introduce for first reading Ordinance No. 17-05, to be read by title only, and further reading waived, adopting Code Amendment CO-17-02 to amend various sections of Title 13 of the Costa Mesa Municipal Code regarding group homes and reasonable accommodation, as recommended by the Planning Commission, but changing the notification from 24 to 48 hours and adding the language pertaining to "all drivers of vehicles picking up or dropping off persons at a group home shall comply with all applicable provisions of the Vehicle Code". (03:08:34)

Discussion ensued on including additional modifications, providing transportation available to facilities, providing noticing to all owners and occupants of properties within 500 feet, and discretion for the Planning Commission and City Council. (03:13:02)

SUBSTITUTE MOTION/SECOND: Council Member Stephens/Mayor Pro Tem Genis

SUBSTITUTE MOTION: To combine the public hearings for the two code amendments into a single hearing and introduce for first reading Ordinance No. 17-05, to be read by title only, and further reading waived, adopting Code Amendment CO-17-02 to amend various sections of Title 13 of the Costa Mesa Municipal Code regarding group homes and reasonable accommodation, as recommended by the Planning Commission, with the following changes and additions:

- Before approving or denying a Special Use Permit, the City will provide notice to all owners and occupants of properties within 500 feet of the subject property as well as an opportunity for a hearing to receive input from the public regarding issuance of the Permit.
- Only the Planning Commission and City Council may approve deviations to the minimum separation of 650 feet between group homes and licensed alcohol and drug treatment facilities, unless a reasonable accommodation has been approved pursuant to Federal requirements.
- At least 48 hours before evicting a resident, operators will need to notify the resident's emergency contact and provide transportation to their permanent address. The operator must also contact county and city social services agencies to determine what services are available and provide this information in writing to the resident. If the resident has no home to return to or otherwise refuses transportation home, the operator must provide transportation to another facility if a bed is available.
- Operators must disclose partners and owners if a facility is operated by an entity other than an individual. Operators must also disclose their permit history in this and other jurisdictions, revealing any past permit revocations.
- The Council retained the requirement for operators of facilities serving seven or more residents to obtain a Conditional Use Permit from the Planning Commission.
- Group home operators are obligated to comply with all applicable provisions of the California Vehicle Code, such as those related to parking, stopping and licensure.

Council Member Stephens spoke on the Substitute Motion of granting the Planning Commission and City Council the discretion on deviating from the 650 feet between group homes and licensed alcohol and drug treatment facilities. (03:37:20)

Council Member Righeimer spoke to not supporting the Substitute Motion. (03:42:47)

The motion carried by the following roll call vote:

Ayes: Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: Council Member Mansoor and Council Member Righeimer.

Absent: None

Motion carried: 3-2

ACTION:

1. City Council conducted the public hearings for the two code amendments; and

2. Introduced for first reading Ordinance No. 17-05, read by title only, and further reading waived, adopting Code Amendment CO-17-02 to amend various sections of Title 13 of the Costa Mesa Municipal Code regarding group homes and reasonable accommodation, as recommended by the Planning Commission with the following changes and additions:

- Before approving or denying a Special Use Permit, the City will provide notice to all owners and occupants of properties within 500 feet of the subject property as well as an opportunity for a hearing to receive input from the public regarding issuance of the Permit.
- Only the Planning Commission and City Council may approve deviations to the minimum separation of 650 feet between group homes and licensed alcohol and drug treatment facilities, unless a reasonable accommodation has been approved pursuant to Federal requirements.
- At least 48 hours before evicting a resident, operators will need to notify the resident's emergency contact and provide transportation to their permanent address. The operator must also contact county and city social services agencies to determine what services are available and provide this information in writing to the resident. If the resident has no home to return to or otherwise refuses transportation home, the operator must provide transportation to another facility if a bed is available.
- Operators must disclose partners and owners if a facility is operated by an entity other than an individual. Operators must also disclose their permit history in this and other jurisdictions, revealing any past permit revocations.
- The Council retained the requirement for operators of facilities serving seven or more residents to obtain a Conditional Use Permit from the Planning Commission.
- Group home operators are obligated to comply with all applicable provisions of the California Vehicle Code, such as those related to parking, stopping and licensure.

MOVED/SECOND: Mayor Foley/Council Member Stephens

MOTION: Introduced for first reading Ordinance No. 17-06, to be read by title only, and further reading waived, adopting Code Amendment CO-17-02 to amend various sections of Title 9 of the Costa Mesa Municipal Code regarding operator's permits for group homes of seven or more located in the MFR Zones with the with the following changes and additions: (03:49:05)

- At least 48 hours before evicting a resident, operators will need to notify the resident's emergency contact and provide transportation to their permanent address. The operator must also contact county and city social services agencies to determine what services are available and provide this information in writing to the resident. If the resident has no home to return to or otherwise refuses transportation home, the operator must provide transportation to another facility if a bed is available.

- Operators must disclose partners and owners if a facility is operated by an entity other than an individual. Operators must also disclose their permit history in this and other jurisdictions, revealing any past permit revocations.
- Group home operators are obligated to comply with all applicable provisions of the California Vehicle Code, such as those related to parking, stopping and licensure.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. Introduced for first reading Ordinance No. 17-06, read by title only, and further reading waived, adopting Code Amendment CO-17-02 to amend various sections of Title 9 of the Costa Mesa Municipal Code regarding operator's permits for group homes of seven or more located in the MFR Zones with the following changes and additions:
 - At least 48 hours before evicting a resident, operators will need to notify the resident's emergency contact and provide transportation to their permanent address. The operator must also contact county and city social services agencies to determine what services are available and provide this information in writing to the resident. If the resident has no home to return to or otherwise refuses transportation home, the operator must provide transportation to another facility if a bed is available.
 - Operators must disclose partners and owners if a facility is operated by an entity other than an individual. Operators must also disclose their permit history in this and other jurisdictions, revealing any past permit revocations.
 - Group home operators are obligated to comply with all applicable provisions of the California Vehicle Code, such as those related to parking, stopping and

Mayor Foley requested staff to come back with a report pertaining to the collection of Transient Occupancy Tax. (03:50:24)

Council Member Righeimer requested clarification regarding R1 restrictions and the Orange County Sheriff Certification. (03:50:24)

City Council recessed into a break at 9:55 p.m. (03:52:05)

City Council reconvened at 10:08 p.m. (04:04:34)

3. FEES TO PROCESS APPLICATIONS FOR MEDICAL MARIJUANA BUSINESSES ALLOWED PURSUANT TO MEASURE X (04:04:31)

Richard Francis, Assistant City Manager, presented the Staff Report. (04:04:44)

Public Hearing Opened.

Jim Fitzpatrick, Costa Mesa, spoke on the 6% tax rate and expediting the permitting process. (04:08:32)

Vida Velez, Costa Mesa, spoke on education and cost of permits. (04:11:58)

Robert Taft, Costa Mesa, spoke in support of the fees, expediting the permitting process and applying for building permits. (04:15:39)

Speaker, spoke on code enforcement, issuing permits, and processing background checks. (04:21:09)

Public Hearing Closed.

Discussion ensued on Development fees. (04:23:00)

Council Member Righeimer spoke in support of the item. (04:26:23)

Council Member Stephens spoke in support of the motion. (04:28:37)

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council adopted Resolution No. 17-30, setting fees for the following applications required to allow medical marijuana businesses pursuant to Measure X:

- a. Medical Marijuana Business Permit - \$21,525.00
- b. Conditional Use Permit - \$27,508.00
- c. Appeal regarding Conditional Use Permit - \$3,915.00
- d. Medical Marijuana Business Background Check - \$341.00
- e. Police Dept. LiveScan fees - \$59.00
- f. Optional fees background checks - \$300.00

OLD BUSINESS: NONE

NEW BUSINESS: (04:29:38)

- 1. ADOPTION OF AN URGENCY ORDINANCE AND FIRST READING OF AN ORDINANCE REAUTHORIZING THE COLLECTION OF A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY (04:29:49)**

Dane Bora, Public Affairs Manager, presented the Staff Report. (04:30:05)

No public comments on the item.

MOVED/SECOND: Council Member Righeimer/Mayor Pro Tem Genis

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council waived full reading and adopted, by four-fifths vote, Urgency Ordinance No. 17-07, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City; and
 2. Gave first reading to Ordinance No. 17-08, read by title only, and further reading waived, reauthorizing the public, educational, and governmental fee on state video franchisees operating within the City.
- 2. AMBULANCE TRANSPORTATION FOR THE CITY OF COSTA MESA (04:31:48)**

Daniel Stefano, Fire Chief, presented the Staff Report. (04:32:30)

Public Comments:

Flo Martin, Costa Mesa, spoke in support of the item. (04:50:49)

Ralph Taboada, Costa Mesa, spoke on the five options for ambulance transport; and supports option 2 from 2015. (04:51:38)

Speaker, spoke in support of the item. (04:54:48)

Beth Refakes, Costa Mesa, would like the item reviewed by the Finance and Pension Advisory Committee. (04:55:50)

Robin Leffler, Costa Mesa, spoke on the issue and requested clarity on several items and changes. (04:59:00)

Discussion ensued on the State homeless reimbursement program, billing structure and cost recovery. (05:02:20)

Council Member Righeimer made a motion and spoke in support of the item. (05:22:53)

Mayor Pro Tem Genis spoke in support of the motion and review by the Finance and Pension Advisory Committee. (05:25:35)

Council Member Righeimer spoke on using the math on page 19. (05:26:13)

Mayor Foley spoke in support of the motion. (05:27:05)

MOVED/SECOND: Council Member Righeimer/Mayor Foley

MOTION: To approve the recommended actions with the following additions:

- a. To ensure that the City is meeting or exceeding cost recovery expectations, an initial six-month evaluation to review the cost recovery projections will be initiated, followed by another six-month evaluation and then subsequent regular quarterly evaluations.
- b. After the first year evaluation, if the cost recovery revenue is not within 10% of the consultant's projections, the Fire Chief will bring the findings to the City Council for review, discussion, and evaluation.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council reviewed and approved the recommended and updated option of the public/private partnership ambulance transportation model (e.g., 2017 consultant report supplement - option #3); and
2. Approved and authorized the City Manager to allocate an amount not to exceed \$100,000 for the comprehensive administration and facilitation of the Request For Proposals (RFP) processes for both ambulance and billing services, respectively; and
3. Approved and authorized the City to annually utilize the billing rate structure that is consistent with and replicates the most current maximum emergency ground ambulance rates that are identified through Orange County Health Care Agency (OCHCA) EMS Policy and Procedures (e.g., #700.00 Section; 714.00 - 715.00) and approved through formal resolution by the Orange County Board of Supervisors; and

4. a. To ensure that the City is meeting or exceeding cost recovery expectations, an initial six-month evaluation to review the cost recovery projections will be initiated, followed by another six-month evaluation and then subsequent regular quarterly evaluations.
- b. After the first year evaluation, if the cost recovery revenue is not within 10% of the consultant's projections, the Fire Chief will bring the findings to the City Council for review, discussion, and evaluation.

3. **CONSIDERATION FOR CREATING A COMMUNITY FOURTH OF JULY EVENT TO PROMOTE PUBLIC SAFETY AND PROMOTION OF AN INCREASE FOR ILLEGAL FIREWORK DISCHARGE FINE (05:28:48)**

Dan Baker, Assistant to the City Manager, presented the Staff Report. (05:29:04)

Discussion ensued on the OC Fairground's labor costs and fines. (05:35:02)

Council Member Righeimer requested clarification on costs. (05:40:45)

Council Member Stephens spoke on the item. (05:43:02)

MOTION/SECOND: Council Member Mansoor/Council Member Righeimer

MOTION: To continue the meeting past midnight. (05:55:08)

The motion carried by the following roll call vote:

Ayes: Mayor Foley, Mayor Pro Tem Genis, Council Member Mansoor, Council Member Righeimer, and Council Member Stephens.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council approved to continue the meeting past midnight.

Public Comments:

Flo Martin, Costa Mesa, spoke in support of the item and an increase in fines. (05:56:47)

Beth Refakes, Costa Mesa, supports an increase in fines; and expressed concern on spending over the \$50k budget. (05:59:49)

Ralph Taboada, Costa Mesa, spoke in support of the item and reducing the days of sale for fireworks. (06:02:16)

Speaker, spoke in support of the item. (06:04:18)

Speaker, spoke on the fireworks forum and spoke in support of the item. (06:07:30)

Speaker, spoke in support of the item. (06:08:52)

Public Comments Closed.

MOVED/SECOND: Council Member Stephens/Mayor Foley

MOTION: To approve recommended action numbers 1, 2, and 3 on the conditions that all of the \$50,000 sponsorship monies will be raised by May 15, 2017 and the City will commit on moving forward once the \$50,000 is raised.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

1. City Council approved moving forward with the coordination of a centrally located City-sponsored Fourth of July celebration to promote public safety in partnership with the HERO's Hall foundation and Spectra Entertainment Inc. on location at the Orange County Fair and Event Center; and
 2. Allocated \$50,000 in new revenue and expenditures for FY2016-2017 to cover event costs on the conditions that all of the \$50,000 sponsorship monies will be raised by May 15, 2017 and the City will commit on moving forward once the \$50,000 is raised; and
 3. Approved a proactive campaign to inform citizens that the City will be vigorously enforcing its prohibition against the discharge of illegal fireworks and seeking the maximum penalty for such violations.
4. **REMANDING DECISIONS ON CERTAIN APPLICATIONS AFFECTED BY CODE AMENDMENT CO-17-02 BACK TO THE PLANNING COMMISSION AND DIRECTOR OF DEVELOPMENT SERVICES (06:25:35)**

Sheri Vander Dussen, Interim Assistant Development Services Director/Community Improvement Division, presented the Staff Report. (06:25:51)

Public Comments:

Speaker, spoke in support of going to the City Council. (06:29:02)

Public Comments Closed.

MOVED/SECOND: Council Member Righeimer/Council Member Mansoor

MOTION: To receive and file.

The motion carried by the following roll call vote:

Ayes: Council Member Mansoor, Council Member Righeimer, Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: None

Absent: None

Motion carried: 5-0

ACTION:

City Council received and filed.

5. REQUEST FOR A LETTER OF OPPOSITION TO SENATE BILL SB 54 (DE LEON) LAW ENFORCEMENT: SHARING DATA (06:30:13)

Council Member Mansoor presented the Staff Report. (06:30:33)

Discussion ensued on the draft letter. (06:34:46)

Public Comments:

Keturah Kennedy, Executive Director of Mika Community Development Corporation, spoke against formerly opposing SB 54 as a City. (06:38:04)

Bill McCarty, spoke in opposition to the item. (06:39:02)

Speaker, spoke in support of the item. (06:40:32)

Public Comments Closed.

Discussion ensued on public safety. (06:43:27)

Council Member Righeimer spoke in support of the item. (06:44:22)

Mayor Pro Tem Genis made a motion and seconded by Mayor Foley, to receive and file (06:45:15)

SUBSTITUTE MOTION/SECOND: Council Member Mansoor/Council Member Righeimer (06:46:18)

SUBSTITUTE MOTION: To support and send the letter.

The motion failed by the following roll call vote:

Ayes: Council Member Mansoor and Council Member Righeimer.

Nays: Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Absent: None

Motion failed: 2-3

Mayor Pro Tem Genis spoke in support of the original motion. (06:48:04)

ORIGINAL MOTION/SECOND: Mayor Pro Tem Genis/Mayor Foley

ORIGINAL MOTION: To receive and file.

The motion carried by the following roll call vote:

Ayes: Council Member Stephens, Mayor Pro Tem Genis, and Mayor Foley.

Nays: Council Member Mansoor and Council Member Righeimer.

Absent: None

Motion carried: 3-2

ACTION:

City Council received and filed.

ADDITIONAL COUNCIL MEMBER COMMITTEE REPORTS, COMMENTS, AND SUGGESTIONS (06:49:00)

Mayor Pro Tem Genis requested examination of public noticing procedures.

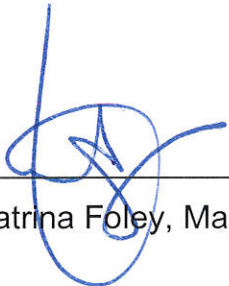
Mayor Foley requested staff to agendize refunds for appeals.

REPORT – CITY MANAGER (06:50:21) - NONE

REPORT – CITY ATTORNEY (06:50:25) - NONE

ADJOURNMENT – The Mayor adjourned the meeting at 12:54 a.m.

Minutes adopted on this 18th day of July, 2017.



Katrina Foley, Mayor

ATTEST:



Brenda Green, City Clerk